REMARKS

Review and reconsideration on the merits are requested.

Applicants would like to thank the Examiner for the telephonic interview granted May 17, 2007 and the telephone interview granted May 10, 2007.

Two interview summary forms are submitted herewith.

While no agreement was reached except that claim 65 would have been rejected on the same grounds as claim 18 and product or structural language should be used in the claims, Applicant attempts to submit product or structural language in the new claims submitted herewith.

The claims had become rather spread out in the application, and they are now just simply presented as new claims with a brief explanation and cancellation to original claims below.

Claim 66 is new except for the first few lines which parallel claim 1.

Claim 67 is like original claim 2.

Claim 68 is like original claim 3.

Claim 69 includes the shapes from the end of claim 1.

Claim 70 is like original claim 8.

Claim 71 is like original claim 58.

Claim 72 is like original claim 59.

The first few lines of claim 73 parallel claim 4, but otherwise claim 73 is new.

Claim 74 is like original claim 5.

Claim 75 is like original claim 6.

Claim 76 has the shapes from the end of original claim 4.

Claim 77 is like original claim 8.

Claim 78 is like original claim 58.

Claim 79 is like original claim 59.

Claim 80 is like original claim 57.

Claim 81 is like original claim 57.

Claim 82 is like original claim 65.

Claim 83 is like original claim 65.

The Prior Art

U.S. 5,407,742 Tavss et al (Tavss).

The Rejection

All claims which were non-withdrawn were rejected under 35 U.S.C. § 102(b) as anticipated by Tavss except for claims 16, 18 and 65 which were rejected as obvious over Tavss.

In light of the new claims, Applicants would traverse any anticipation or obviousness rejection over Tavss of the new claims.

Basis for New Claims

In the first embodiment recited in independent claim 66, the first shape is given by a shaping treatment at a temperature T_1 equal to or lower than the glass transition temperature of the polybutylene terephthalate, and the second shape is given by deformation at a temperature T_2 higher than the glass transition temperature, so that the laminate film recovers the first shape when exposed to a temperature equal to or higher than the temperature T_1. These requirements are described in the specification at page 6, line 24 to page 7, lines 5; and page 8, lines 15-25 of the specification.

Independent claim 73 is directed to the second embodiment of the present invention, in which the first shape is given by a shaping treatment at a temperature T4 higher than the glass

transition temperature and lower than the melting point of the polybutylene terephthalate, and the second shape is given by deformation at a temperature T_6 higher than the glass transition temperature and lower than the temperature T_4, so that the laminate film recovers the first shape when exposed to a temperature equal to or higher than the temperature T_4. These requirements find support at page 6, line 27 to page 7, lines 5; and page 9, line 14 to page 10, line 3 of the specification.

Traversal

In accordance with the present invention, as reflected in claims 66 and 73, the memorized shape comprises a first shape that is latent when the laminated film is stored and worked but which will appear when it is finally heat-treated, and a second shape that the laminate film has when it is stored and treated.

It is believed that these reflect true product or structural limits, and the Examiner is requested to reconsider his position on the claims.

Tavss

Although the Examiner urges that Tavss teaches a shape-memory polybutylene terephthalate laminate film/(packaged sheet) comprising (a) a polybutylene terephthalate film, and (b) a metal foil, Applicants respectfully submit that Tavss is silent on shape-memory properties given by any shaping treatment.

Tavss does state at col. 2, lines 30-34 as follows:

"A further disadvantage in a polyethylene surface resides in the inability of the surface to readily receive printing or decorative material. In addition, polyethylene has a memory property, that is, it does not remain compressed when squeezed. This is a disadvantage for some dentifrice tubes."

Applicants believe that considering the immediately following disclosure in Tavss, the paste-dispensing container of Tavss should not and does not have any memory property.

The next statement in Tavss is:

"To counter such a lack of deformability, the metal layer must be relatively thick so that deformability is imposed on the plastic so as to overcome it's memory."

In fact, Tavss is silent about the shape-memory properties of polybutylene terephthalate. This is understandable because tooth-paste-dispensing container does not need shape-memory properties. In the tooth-paste-dispensing container of Tavss, polybutylene terephthalate is added to impart a flavor barrier. This is clear from Tavss at column 4, lines 33-36 that "The structure of the tube body and shoulder piece 20 using a blend of polybutylene terephthalate and polyethylene as a barrier eliminates product permeation..." and Tables 1 and 2.

Referring to the claims herein, shape-memory properties are imparted by the shaping treatments specifically defined in claims 66 and 73.

Specifically, claim 11 defines the shape-memory properties as having a memory of a first shape given by a shaping treatment at a temperature T_1 equal to or lower than the glass transition temperature of the polybutylene terephthalate, but being in a second shape given by deformation at a temperature T_2 higher than the glass transition temperature. Because of this shape memory, the laminate film recovers the first shape when exposed to a temperature equal to or higher than the temperature T_1. The same is true of the amended claim 73 except for shaping treatment temperatures.

Without the above-described shaping treatments, the laminate film of claim 66 would not recover the first shape even if exposed to a temperature equal to or higher than first temperature

T_1. The same is true of the laminate film of claim 73. Such shape-memory properties are neither disclosed nor suggested by Tavss.

Although shaping treatments are involved, shapes are now specifically defined in claim 66 and claim 73, i.e., structural or product limitations are present which are not suggested by or disclosed in Tavss.

Accordingly, Applicant respectfully submits that Tavss can no longer be held to anticipate or render obvious the claims as amended.

Request for Telephone Interview

A telephone interview is requested if the Examiner disagrees with Applicant's position.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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